

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Summary Agenda May 28, 2013 7:00 P.M.

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### **Council President Garcia-Martinez called the meeting to order at 7:35 p.m.**

Call to Order/Roll Call of Council Members – **All Present**

- **Also present were:**
  - **Carlos Hernandez, Mayor**
  - **Marbelys Fatjo, Acting City Clerk**
  - **William Grodnick, City Attorney**

Invocation given by Acting City Clerk, Marbelys Fatjo

**REPORT: The invocation was given during the Charter School Oversight Committee Meeting held immediately before the Council Meeting.**

Pledge of Allegiance led by Councilwoman Vivian Casals-Muñoz –

**REPORT: The Pledge of Allegiance was given during the Charter School Oversight Committee Meeting held immediately before the Council Meeting.**

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the

public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

## **Presentations**

### **REPORT: Council President Garcia-Martinez recognized the presence of Lenna Borjes, Commission Aide to Commissioner Esteban Bovo, Miami-Dade County Board of County Commissioners.**

(1) Award of Merit presented to Carlos Alvarez, Principal of the City of Hialeah Educational Academy. The Hialeah Educational Academy was recognized in the 2013 Newsweek Magazine as one of America's best high schools.

(2) Certificates of Appreciation presented to Comcast, Telemundo Networks and NBC 6, as well as the following sponsors who helped make Comcast Cares Day 2013 a success:

- Comcast, Telemundo Networks and NBC 6
- Coca-Cola
- IKEA
- The Home Depot
- Sedano's Supermarket

(3) Certificates of Merit presented to the following students of Westland Hialeah Senior High School and coaches of the Boys Volleyball team for their achievement in winning the Miami-Dade County District Championship.

- Alexander Sosa (Head Coach)
- Rosita Sosa (Assistant Coach)
- Miguelangel Albuquerque
- José Benitez
- Osvaldo Canedo
- David Céspedes
- Javier Delgado
- Jorge González
- Dustin Hernández
- Franky López
- Pedro Martínez
- Angel Milian
- Eliecer Palenzuela
- Eber Sanchez
- Joel Sanchez

1. Announcement of Amendments/Corrections to the Agenda – **Items E, F and G were added to the Agenda, and a Request for item PZ 5 to remain on table until June 25, 2013 was placed on the dais for the Council's review.**

2. Consent Agenda – **Motion to Approve the Consent Agenda made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0).**
- A. Proposed resolution reappointing Christopher Zacarias as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on May 31, 2013 and ending on May 31, 2014, at an hourly rate to be established by Administrative Order of the Mayor; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0) RESOLUTION NO. 2013-42**
- B. Request permission to increase purchase order # 2013-1165, since it is advantageous to the City, issued to Caribe Utilities of Florida, Inc., for changes made to the original work connections requested by the City of Hialeah Water and Sewer Department and which includes additional site work, underground utilities and parking lot for the 36- Unit Elderly Housing Project, by an additional amount of \$77,592.20, for a new total cumulative amount not to exceed \$260,592.20. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- C. Request permission to utilize Bid Award 490-000-12-ACS, a competitively bid governmental contract, and issue a purchase order to Thermo Fisher Scientific, Inc., for the purchase of one (1) truck mounted compressor package, three (3) DOT CYL valves and caps and one (1) ventilator system with bracketts including installation, for a total cumulative amount not to exceed \$20,751. (FIRE DEPT.) **APPROVED (7-0)**
- D. Proposed resolution approving a Fund Balance/Net Asset Policy, a copy of which is attached hereto and made a part hereof as Exhibit “1”. **APPROVED (7-0) RESOLUTION NO. 2013-43**
- E. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding sources, and issue a purchase order to Florida Power Technologies, Inc., to purchase of one (1) 20 KVA 3 phase UPS system for the new tower site at the City’s annexation area for a total cumulative amount not to exceed \$98,853. (FIRE DEPT.) **APPROVED (7-0)**
- F. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding sources, and issue a purchase order to Skybase Communications, LLC., to replace six (6) existing end of life emergency response satellite phones/transceiver units, for a total cumulative amount not to exceed \$33,300. (FIRE DEPT.) **APPROVED (7-0)**
- G. Request permission to utilize Florida Sheriffs Association, Florida Association of Counties and Florida Fire Chiefs’ Association Bid 12-20-0905, and issue a purchase order to Rossmeyer Daytona Motorcycles, Inc., to purchase one 2013 Harley Davidson Road King Motorcycle, for a total cumulative amount not to exceed \$16,500. (POLICE DEPT.) **APPROVED (7-0)**

3. Second reading and public hearing of proposed ordinance setting the election date for the General Election for the year 2013 for the date of Tuesday, November 19, 2013 for the offices of the Mayor and the City Council whose terms have expired, pursuant to municipal powers vested by State law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0) ORDINANCE NO. 2013-30**

**Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.**

4. Second reading and public hearing of proposed ordinance providing for a Primary Election to be held on Tuesday, November 5, 2013 and a General Election to be held on Tuesday, November 19, 2013; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0) ORDINANCE NO. 2013-31**

**Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilman Hernandez.**

5. Second reading and public hearing of proposed ordinance amending Chapter 62 entitled "Parks and Recreation" of the Code of Ordinances, and in particular, revising Hialeah Code § 62-21 entitled "Alcoholic Beverages; Intoxicated Persons" to allow the possession, consumption and sale of beer, wine and alcoholic beverages at Milander Center at city-sponsored and city approved events subject to the rules and regulations concerning the use of the facility and further allow the sale of beer and wine only at other recreation facilities subject to City Council approval; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (PARKS AND RECREATION DEPT. AND DEPT. OF COMMUNICATIONS AND SPECIAL EVENTS) **APPROVED (7-0) ORDINANCE NO. 2013-32**

**Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.**

6. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article III, Division 3. Subdivision Plats, of the Code of Ordinances and in particular, revising Hialeah Code § 98-348 entitled "Minimum Size of Lots and Blocks; Platting of Lands" to require a Flood Hazard Disclosure on all Subdivision Plats; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (PLANNING AND ZONING DIV.) **APPROVED (7-0) ORDINANCE NO. 2013-33**

**Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.**

7. Board Appointments – **None**

8. Unfinished Business - **None**

9. New Business - **None**

10. Comments and Questions

- a. **Mayor Hernandez recognized all the Girl Scouts who sang at the City's Memorial Day Event held on May 27, 2013 and thanked them for attending the Council Meeting as a part of their study on government.**
- b. **Mayor Hernandez invited all present to attend the grand opening of Milander Auditorium on June 1, 2013 from 4:00 – 9:00 p.m.**
- c. **Council President Garcia-Martinez said that the City's Memorial Day Event was great this year and is proud to be part of an event that gets better every year.**
- d. **Councilwoman Casals-Muñoz thanked the Mayor and the Council for the street naming of Anthony Watson.**
- e. **Councilman Hernandez recognized the importance of the Veterans Affairs Board to the City.**
- f. **Mayor Hernandez thanked the Office of the City Clerk and the Special Events Department for their contributions to the Memorial Day Event. He also thanked all those who have sacrificed their lives for our Country's freedom.**
- g. **Jose Azze, 788 SE Park Drive, Hialeah, Florida, addressed the Council regarding the summer camp program.**
- h. **Fabio Sotomayor, 823 West 18 Lane, Hialeah, Florida, addressed the Council regarding the garbage pickup service in the City.**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

**ZONING**

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning from M-1 (Industrial District) to R-3-4 (Multiple Family District). **Property located at the northwest corner of the intersection of West 24 Avenue and West 78 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Palm West Apartments, LLC) **APPROVED (6-1) ORDINANCE NO. 2013-34 (COUNCILWOMAN CASALS-MUÑOZ VOTED "NO")**.

**REPORT: Alejandro Vilarello, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33134, addressed the Council as a Representative of the owner of the property.**

**Motion to Approve made by Councilman Caragol and seconded by Councilwoman Cue-Fuente.**

- PZ 2.** Second reading and public hearing of proposed ordinance rezoning from R-3 (Multiple Family District) to P (Parking). **Property located at 466-476 East 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Melissa Tapanes Llahue, Esq./ Leon Medical Centers, LLC.) **APPROVED (7-0) ORDINANCE NO. 2013-35**

**Motion to Approve made by Councilman Caragol and seconded by Councilman Hernandez.**

- PZ 3.** Second reading and public hearing of proposed ordinance rezoning from M-1 (Industrial District) to R-3-3 (Multiple Family District) and granting a Variance Permit to allow 225 parking spaces, where 228 parking spaces are required, and to allow a pervious area of 28%, where a minimum 30% lawn (pervious) area is required, contra to Hialeah Code §§ 98-2189(19) and 98-2233. **Property located at the northwest corner of the intersection between N.W. 92 Avenue and West 80 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Paraiso Gardens, LLC) **APPROVED (6-1) ORDINANCE NO. 2013-36 (COUNCILWOMAN CASALS-MUÑOZ VOTED "NO")**.

**REPORT: Alejandro Vilarello, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33134, addressed the Council as a Representative of the owner of the property.**

**Motion to Approve made by Councilman Caragol and seconded by Councilwoman Cue-Fuente.**

- PZ 4.** Recommendation of denial from the Planning and Zoning Board for **rezoning** from R-1 (One Family District) to R-2 (One and Two Family Residential District) and consider granting a variance permit to allow lot coverage of 34% (maximum of 30% allowed) and allow the following existing setbacks: For front unit: East side of 5.30' (7.5' required). For rear unit: Rear of 6.55' (25' required), east side of 5.35', west side of 5.5' (7.5' required for porch). Property located at **308 East 43 Street, Hialeah.** (Applicant: Grisselle Freijo Cantrell) **(ITEM WAS LAID ON THE TABLE ON MAY 14, 2013) (ITEM**

**REMAINED ON TABLE UNTIL JUNE 11, 2013 BECAUSE THE APPLICANT WAS NOT PRESENT).**

**PZ 5.** Letter of denial from the Planning and Zoning Official to rezone two parcels of land from R-1 (One Family District) to R-2 (One and Two Family Residential District) and allow each duplex on a lot with a 50-foot frontage, total lot area of 6,750 square feet (75-foot width and 7,500 square foot lot area required for each) and consider granting a variance permit to allow a total lot coverage of 50.4% for each (30% maximum allowed) and side setbacks of 5 feet on each lot (7.5 feet required for each). **Property located at 115 West 13 Street, Hialeah.** (Applicant: Eco Hialeah, LLC C/O Eugenio Lage (*ITEM WAS LAID ON THE TABLE ON MARCH 26, 2013 & APRIL 9, 2013*) (*ITEM REMAINED ON TABLE UNTIL JUNE 25, 2013 PER THE APPLICANT'S REQUEST*).

**PZ 6.** First reading of proposed ordinance granting a Variance Permit to allow Pawnbroking of Secondhand Jewelry by a Retail Jewelry Store on property zoned CR (Commercial-Residential District) and located in the Extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891. **Property located at 1765-1795 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Chaled Corporation) (*ITEM WAS LAID ON THE TABLE ON MARCH 12, 2013*) **APPROVED (7-0)**

**Motion to Take from Table made by Councilwoman Casals-Muñoz and seconded by Councilman Hernandez. MOTION PASSED (7-0)**

**REPORT: Cesar Mestre, Esq., 7600 West 20 Avenue, Suite 220, Hialeah, Florida,**  
**addressed the Council as a Representative of the owner of the property.**

**REPORT: Carlos Corderi, Applicant, 98 De Leon Drive, Miami Springs, Florida,**  
**addressed the Council.**

**REPORT: The following documents were added by William Grodnick, City Attorney, to supplement the record:**

- **Application for Occupational License dated February 17, 2005 – Joyeria Sanchez, Inc.**
- **Application for Occupational License dated April 19, 2002 – Joyeria Sanchez, Inc.**
- **Print out of License No. 45331083 – Joyeria Sanchez, Inc. – Revenue & Notifications**
- **Letter dated February 6, 2009 from Lorena Bravo to Abel Sanchez of Joyeria Sanchez, Inc.**
- **Declaration of Use and Confirmation of Grandfathered Status for Joyeria Sanchez, Inc.**
- **Business Tax Receipt 2009-10 – No. 453310B3 for Joyeria Sanchez, Inc.**
- **Letter from Abel A. Sanchez regarding License #453310B3.**
- **Copy of check number 9052 payable to Abel Sanchez from La Estrella de Oro Joyeria, Inc.**

- **Business Tax Receipt 2009-10 – No. 453310B3.**
- **Letter received by the City’s Division of Occupational License from Abel A. Sanchez, dated August 31, 2010.**
- **Letter from Ceasar Mestre, Jr. to Lorena Bravo dated July 8, 2010.**
- **Application to Obtain a Business Tax Receipt – No. 522298A – AJ Jewelers, Inc., dated May 26, 2010.**
- **Application to Obtain a Business Tax Receipt – No. 448310 – AJ Jewelers, Inc., dated May 26, 2010.**
- **Ordinance No. 07-78**

**REPORT: Arnaldo Velez, 3500 Merian Avenue, Coral Gables, Florida addressed the Council.**

**REPORT: Juan Pernas, 13840 Lakes Success Place, Miami Lakes, Florida, addressed the Council. The following document was added by Juan Pernas to supplement the record:**

- **Radius Map**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Hernandez.**

**PZ 7.** First reading of proposed ordinance granting a variance permit to allow a single family home on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,918 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah code § 98-499. Property located at 197 West 33 Street, Hialeah, Florida (Applicant: Eco Hialeah, LLC. c/o Eugenio Lage) **APPROVED (7-0)**

**REPORT: Applicant, Eugenio Lage, 7811 Coral Way, Miami, Florida, was present.**

**Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz.**

### **LAND USE AMENDMENT**

**LU 1.** Recommendation of denial from the Planning and Zoning Board for a Small Scale Amendment from Low Density Residential to Residential Office District. Property located at 875 East 41 Street, Hialeah, Florida. Zoned R-1 (One-Family District). (Applicant: Eleana Cruz, c/o Ceasar Mestre, Esq.) **(ITEM WAS LAID ON THE TABLE ON MAY 14, 2013) APPROVED (4-3) (COUNCIL VICE PRESIDENT GONZALEZ, COUNCILWOMAN LOZANO AND COUNCILWOMAN CASALS-MUÑOZ VOTED “NO”).**

**Motion to Take from Table made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)**



**REPORT: Ceasar Mestre, Esq., 7600 West 20 Avenue, Suite 220, Hialeah, Florida, addressed the Council as a Representative of the owner of the property, and provided 19 affidavits from residents of the area in support of the item.**

**REPORT: Eddy Puppo, 4141 East 8 Lane, Hialeah, Florida, addressed the Council.**

**REPORT: Stephanie Cruz, Applicant's daughter, 9794 NW 127 Terrace, Hialeah Gardens, Florida, addressed the Council.**

**REPORT: Leida Puppo, 4141 East 8 Lane, Hialeah, Florida, addressed the Council.**

**REPORT: Frank De La Paz, 2300 West 84 Street, Hialeah, Florida, addressed the Council.**

**Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilman Hernandez.**

### **FINAL DECISION**

**FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 13-5 that granted an adjustment on condition that the improvements built without the benefit of a building permit be legalized within 18 months from the effective date of this resolution on property located at **1031 West 55 Place, Hialeah, Florida**; and providing for an effective date. (*Applicant: Ariel Espinoza*) **APPROVED (7-0)**  
**RESOLUTION NO. 2013-44**

**Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.**

**NEXT CITY COUNCIL MEETING: June 11, 2013 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 27, 2013 at 6:30 p.m.**

**Meeting was adjourned at 9:46 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).